
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 19

Session of
2003

INTRODUCED BY GODSHALL, BEBKO-JONES, BIRMELIN, BISHOP, BROWNE,
CREIGHTON, CRUZ, J. EVANS, FICHTER, GILLESPIE, HENNESSEY,
HERMAN, HERSHEY, HORSEY, KELLER, LEACH, MANDERINO, MELIO,
S. MILLER, MUNDY, NICKOL, PAYNE, PRESTON, ROSS, RUBLEY,
SANTONI, SATHER, SCHRODER, SOLOBAY, STERN, STURLA,
E. Z. TAYLOR, TIGUE, WALKO, WATSON, WILT, WRIGHT, YUDICHAK
AND PETRI, JANUARY 29, 2003

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JANUARY 29, 2003

AN ACT

1 Providing for unannounced inspections of certain facilities and
2 persons that provide child day care; and conferring powers
3 and duties on the Department of Public Welfare.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Unannounced
8 Inspection of Child Day-Care Facilities Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Child day care." Care in lieu of parental care given for
14 part of a 24-hour day to a child under 16 years of age away from
15 the child's home. The term does not include care in lieu of

1 parental care given to a child under 16 years of age in a place
2 of worship during religious services.

3 "Child day-care center." Any premises in which child day
4 care is provided simultaneously for seven or more children who
5 are not relatives of the provider, regardless of which article
6 of the act of June 13, 1967 (P.L.31, No.21), known as the Public
7 Welfare Code, applies to it.

8 "Department." The Department of Public Welfare of the
9 Commonwealth.

10 "Facility." Any of the following:

11 (1) Child day-care center.

12 (2) Family day-care home.

13 "Family day-care home." A home in which child day care is
14 provided at any one time to four, five or six children who are
15 not relatives of the provider of the child day care and which is
16 required to be registered under the act of June 13, 1967
17 (P.L.31, No.21), known as the Public Welfare Code.

18 Section 3. Inspections.

19 (a) Authority.--The department may enter and inspect a
20 facility with or without prior notice.

21 (b) Access.--The department shall have free and full access
22 to the facility and the facility grounds, the children in the
23 facility, the records of the facility and the facility staff.
24 The department shall be given the opportunity to privately
25 interview children and staff.

26 (c) Frequency of Inspections.--

27 (1) For a child day-care center, in accordance with
28 current requirements for an annual inspection under the act
29 of June 13, 1967 (P.L.31, No.21), known as the Public Welfare
30 Code, the department shall annually conduct at least one

1 onsite, unannounced inspection of each facility. This
2 unannounced inspection shall be sufficient to meet any
3 existing regulatory requirement for an annual announced or
4 unannounced inspection. The department shall conduct
5 additional inspections as required to verify corrections of
6 regulatory violations.

7 (2) For a family day-care home, unannounced inspections
8 shall be conducted at such times as the department deems
9 appropriate. The department shall annually inspect at least
10 15% of all registered family day-care homes. The department
11 shall submit on an annual basis a report to the Aging and
12 Youth Committee of the Senate and the Children and Youth
13 Committee of the House of Representatives regarding the
14 findings of the inspections required under this section.

15 (d) Inspections in response to complaints.--

16 (1) Within 24 hours, excluding days that the department
17 has determined the facility is not in operation, of the
18 receipt of a complaint from any person alleging an immediate
19 and serious risk to the health or safety of a child receiving
20 child day care at a facility, the department shall conduct an
21 onsite unannounced inspection of the facility. Complaints
22 prompting an inspection pursuant to this subsection shall
23 include severe injury or death of a child receiving care at
24 the facility, allegations of child abuse or conditions or
25 practices that create an immediate and serious risk to a
26 child.

27 (2) Except for those complaints under paragraph (1), the
28 department shall determine the acceptable time frame in which
29 complaints shall be investigated based upon the seriousness
30 of the complaint.

1 (3) This subsection applies to all facilities, including
2 those that are required to be licensed, supervised or
3 registered under the act of June 13, 1967 (P.L.31, No.21),
4 known as the Public Welfare Code, but which are not so
5 licensed, supervised or registered.

6 (e) Report to General Assembly.--The department shall submit
7 on an annual basis a report to the Aging and Youth Committee of
8 the Senate and the Children and Youth Committee of the House of
9 Representatives regarding the findings of the inspections
10 required by this section.

11 Section 4. Effective date.

12 This act shall take effect in one year.